

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10731-RWZ

DEBORAH A. WEINBERGER)
)
Plaintiff,)
)
v.)
)
ARNE OJALA and DOWN CAPE)
ENGINEERING, INC.)
)
Defendants)

U.S. DISTRICT COURT
DISTRICT OF MASS

**PLAINTIFF'S DISCLOSURES PURSUANT TO RULE 26 OF THE FEDERAL
RULES OF CIVIL PROCEDURE AND LOCAL RULE 26.1**

**A. NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PERSONS
WITH DISCOVERABLE INFORMATION RELATIVE TO DISPUTED
FACTS:**

Deborah A. Weinberger, 130 North Street, Watertown, Connecticut 860-274-4706: Plaintiff

Arne Ojala, 211 Maple Street, West Barnstable, Massachusetts: Defendant

Down Cape Engineering, Inc.: Defendant

Joanne McMahon: present or former employee of Down Cape Engineering, Inc. who worked on Plaintiff's project for Defendant

Sarah Ojala, 939 Main Street, Yarmouthport, Massachusetts: Defendant Ojala's spouse, presumed to have knowledge concerning arguable fraudulent transfer of real property and underlying facts of the case.

Robert Powers, 51 Staples Road, Cumberland, Rhode Island: Defendants committed professional malpractice with respect to Mr. Powers under similar circumstances and Mr. Powers filed a similar lawsuit as Plaintiff's (since settled)

Veronica Powers, 51 Staples Road, Cumberland, Rhode Island: Defendants committed professional malpractice with respect to Mrs. Powers under similar circumstances and Mr. Powers filed a similar lawsuit as that of Plaintiff (since settled).

Ralph M. Crossen, Building Commissioner for Town of Barnstable, 367 Main St. Hyannis, MA: Mr. Crossen, or his replacement, has information going to the conditions under which Plaintiff's Definitive Plan would have been approved, and the likelihood of its approval

Stephen Seymour, P.E., Town of Barnstable Public Works: Mr. Seymour, or his replacement, has information going to the conditions under which Plaintiff's Definitive Plan would have been approved and the likelihood of its approval

Douglas Bill, Associate Planner for Town of Barnstable: Mr. Bill has information going to the conditions under which Plaintiff's Definitive Plan would have been approved and the likelihood of its approval

Linda Hutchenider, Town Clerk, Town of Barnstable: Ms. Hutchnieder, or her replacement, has information as to the Town Zoning By-Law and can authenticate same.

Charles Sabatt, Esq., Ardito, Sweeney & Stusse, 25 Mid-Tech Drive, W. Yarmouth, MA: Mr. Sabatt is Defendants' private attorney and has information as to the measures employed by Defendants in response to the discovery of their malpractice

Michael D. Ford, Esq. Stinson & Ford, 72 Main St., W. Harwich, MA 02671 Mr. Ford served as Plaintiff's attorney for purposes of her appeal of the Planning Board's denial of her definitive plan and is familiar with the efforts Defendants and Attorney Sabatt expended in convincing her to appeal and the merits of the appeal.

**B. DOCUMENTS, DATA COMPILATIONS AND TANGBLE THINGS
RELEVANT TO DISPUTED FACTS**

See attached documents with Bates stamps numbers 0001-0239

C. COMPUTATION OF DAMAGES:

Plaintiff's claims damages equal to the difference between the value of her property in its present two-lot configuration and its value were it sub-dividable into three lots. Plaintiff's expert real estate appraiser will determine this value. Plaintiff also claims available to her under her count for violation of M.G.L. chapter 93A.

D. INSURANCE AGREEMENTS:

Not applicable.

E. ALL OPPOSING PARTIES AND ALL OFFICERS, DIRECTORS AND EMPLOYEES OF OPPOSING PARTIES FROM WHOM STATEMENTS HAVE BEEN OBTAINED:

None.

F. ALL GOVERNMENT AGENCIES OR OFFICIALS KNOWN TO HAVE INVESTIGATED THE OCCURRENCE:

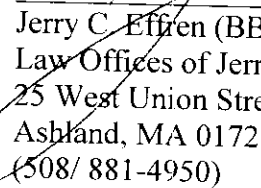
None.

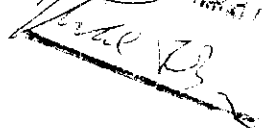
Dated: August 11, 2004

Plaintiff,

DEBORAH A. WEINBERGER

By her attorneys:


Jerry C. Effren (BBO# 630845)
Law Offices of Jerry C. Effren
25 West Union Street
Ashland, MA 01721
(508/ 881-4950)

CERTIFICATE OF SERVICE
I, the undersigned, do hereby certify that a true and correct copy of the foregoing has been served upon the attorney of the above-named party by mail by hand of the undersigned on this 11th day of August, 2004.
By: 
Date: 8/12/04

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